

MFMA DELEGATIONS:

SPECIAL COUNCIL MEETING: 31 AUGUST 2015

1. PURPOSE:

To obtain Council approval of the revised MFMA Delegations.

2. BACKGROUND:

Provincial Treasury's advisor has developed the MFMA Delegations in consultation with management to ensure that processes are in place for improved compliance to legislation. **Attached is the MFMA Delegations document.**

RECOMMENDED:

That Council approves the MFMA Delegations for approval.



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CHAPTER 1: POLICY AND PRINCIPLES ON DELEGATION

1. Definitions

1.1 In this document, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), the Local Government: Municipal Property Rates Act, 2004 (Act No 4 of 2004) or any other applicable legislation, shall have the meaning so assigned to it, and -

- (a) “**administration**” means the Accounting Officer and the other employees of the municipality;
- (b) “**after consultation**” means with due regard for the views of any person with whom a delegating authority is required to consult before he exercises a delegated or sub-delegated power;
- (c) “**Accounting Officer**” means the person who is appointed by the Council as the head of the administration and accounting officer for the municipality in accordance with section 82 of the Structures Act;
- (d) “**CFO**” means the person designated by the Accounting Officer as the Chief Financial Officer in terms of section 80(2)(a) of the MFMA, and appointed by the Council as Strategic Executive Finance in terms of section 56 of the Systems Act;
- (e) “**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- (f) “**SE Support Services**” also means the means the Strategic Executive: Corporate Support.
- (g) “**Chief Operating Officer**” means the person designated by the Accounting Officer as the Chief Operating Officer in the Office of the



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Accounting Officer, and appointed by the Council as Strategic Executive in terms of section 56 of the Systems Act;

- (h) **“COO”** means the Chief Operating Officer;
- (i) **“Council”** means the Municipal Council of the **MERAFONG** City Local Municipality, its legal successors in title and its delegates;
- (j) **“delegating authority”**, means the Council, Executive Mayor, Speaker, Accounting Officer, Chief Financial Officer or other employee to whom an original power was assigned in terms of legislation, and in relation to the delegation or sub-delegation of such power, means the delegated body concerned;
- (k) **“delegation”** means the issuing of a written authorisation by a delegating authority to a delegated body to act in his stead, and in relation to a duty includes an instruction or request to perform or to assist in performing the duty, and **‘delegate’** and **‘sub-delegate’** has a corresponding meaning;
- (l) **“delegated body”** in relation to the delegation of a power means the political office bearer or employee to whom a power has been delegated by the delegating authority in writing;
- (m) **“SE”** means a strategic executive directly accountable to the Accounting Officer as contemplated in, and appointed in terms of section 56 of the Systems Act;
- (n) **“Goods”** means those raw materials or commodities which are available for general sale;
- (o) **“in consultation”** means with the concurrence of the person with whom a delegating authority must consult before exercising a delegated or sub-delegated power;
- (p) **“MFMA”** means the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003);
- (q) **“municipality”**, means the **MERAFONG** City Local Municipality, and when referred to as -
 - (i) an entity, means a municipality as described in section 2 of the Systems Act; and
 - (ii) a geographic area, means a municipal area determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- (o) **“power”** includes a duty and a function;
- (p) **“political office bearer”**, in relation to the municipality, means the Executive Mayor and the Speaker elected by the Council to such a post or position in accordance with the provisions of the Structures Act and full time Councillors appointed by the Executive Mayor as Portfolio Heads;
- (q) **“Property Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No 4 of 2004);
- (r) **“Services”** means the provision of labour and work carried out by hand, or with the assistance of plant and equipment, including the input, as necessary, of knowledge based expertise;
- (s) **“Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);
- (t) **“Supply Chain Management System”** means the system for:
 - (i) the procurement of goods and services;

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- (ii) the appointment of professional service providers;
 - (iii) the disposal and letting of assets, including the disposal of assets no longer needed;
 - (t) **“Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);
- 1.2 In this document, unless the context otherwise indicates, words and expressions denoting –
- (a) the singular shall include the plural and vice versa;
 - (b) the male sex shall include the female sex and vice versa; and
 - (c) a reference to a natural person shall include a legal person and vice versa.
- 1.3 The following abbreviations are used for legislation in column 1 of the tables:
- | | |
|--|--------|
| Constitution | : CON |
| Structures Act | : MSTA |
| Systems Act | : MSA |
| Finance Management Act | : MFMA |
| Property Rates Act | : MPRA |
| Remuneration of Public Office Bearers Act | : RPOA |
| Demarcation Act | : MDA |
| Local Government Ordinance (Old legislation) | : ORD |

2. Powers and responsibilities of the municipality

- 2.1 The municipality has all the powers assigned to it in terms of the Constitution as well as national and provincial legislation. The municipality has the right to do anything reasonably necessary for or incidental to the effective exercising of its powers.
- 2.2 The Executive and legislative authority of the municipality vest in the Council, and the Council takes all the decisions of the municipality except
- (a) decisions on those matters that have been delegated;
 - (b) decisions on those matters that have by law been assigned to a political structure, political office bearer or employee of the Council;
- 2.3 The Council may exercise Executive and legislative authority within the municipal area of the municipality only, but may, by written agreement with another municipality, exercise Executive authority in the area of that other municipality.



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2.4 A municipality, as provided for in section 11 of the Systems Act, exercises its legislative or Executive authority by:

- (a) developing and adopting policies, plans, strategies and programmes, including setting targets for delivery;
- (b) promoting and undertaking development;
- (c) establishing and maintaining an administration;
- (d) administering and regulating its internal affairs and the local government affairs of the local community;
- (e) implementing applicable national and provincial legislation and its by-laws;
- (f) providing municipal services to the local community, or appointing appropriate service providers in accordance with the criteria and process set out in section 78 of the Systems Act;
- (g) monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the municipality;
- (h) preparing, approving and implementing its budgets;
- (i) imposing and recovering rates, taxes, levies, duties, service fees and surcharges on fees, including setting and implementing tariff, rates and tax and debt collection policies;
- (j) monitoring the impact and effectiveness of any services, policies, programmes or plans;
- (k) establishing and implementing performance management systems;
- (l) promoting a safe and healthy environment;
- (m) passing by-laws and taking decisions on any of the above-mentioned matters; and
- (n) doing anything else within its legislative and Executive competence.

2.5 A municipality must within its administrative and financial capacity, establish and organise its administration in a manner that would enable the municipality to:

- (a) be responsive to the needs of the local community;
- (b) facilitate a culture of public service and accountability amongst its staff;
- (c) be performance orientated and focused on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution;
- (d) ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan;
- (e) establish clear relationships, and facilitate co-operation, co-ordination and communication, between-
 - (i) its political structures and political office bearers and its administration;
 - (ii) its political structures, political office bearers and administration and the local community;
- (f) organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and

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circumstances;
(g) perform its functions:

- (i) through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and
- (ii) when necessary, on a decentralised basis;
- (h) assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;
- (i) hold the Accounting Officer accountable for the overall performance of the administration;
- (j) maximise efficiency of communication and decision-making within the administration;
- (k) delegate responsibility to the most effective level within the administration;
- (l) involve staff in management decisions as far as is practicable; and
- (m) provide an equitable, fair, open and non-discriminatory working environment.

2.6 A decision taken by the Council or any other political structure of the municipality must be recorded in writing.

2.7 All the powers of the municipality that have not been reserved for the Council, or that have not been delegated or assigned to a political structure, political office bearer or employee of the Council, are delegated to the Executive Mayor of the Council.

2. Supply Chain Management System

The procurement of goods and services, either by way of quotation or through a competitive bidding process, will be within the following threshold values (all amounts include VAT):

- | | |
|--|---|
| (a) For amounts below R 500 | : Petty Cash |
| (b) For amounts above R 500 to a maximum of R 30 000 | : 3 x Verbal Quotations (order placed against written confirmation from supplier) |
| (c) For amounts above R 30 000 to a maximum of R 200 000 | : Advertise for 7 days on municipal notice boards or municipal website |
| (d) For amounts above R 200 000 | : Competitive bidding (including multi year contracts) |

3.1 The following approval limits apply in respect of quotations for the procurement of goods and services, obtained in accordance with the prescribed process (all amounts include VAT):

- | | |
|---|--|
| (a) For amounts up to R10 000 | : Managers |
| (b) For amounts between R 10 000 and R 60 000 | : Head of Departments (Strategic Executive, CFO and COO) |



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(c) For amounts above R 60 000 onwards : Head of Departments (Strategic Executive, COO) co-signed by CFO and the Accounting Officer

3.2 The following approval limit apply in respect of tenders for the procurement of goods and services, obtained in accordance with the prescribed process (all amounts include VAT):

(a) For all tenders (amounts above R 200 000) : Accounting Officer after receiving report from Bid Adjudication Committee

3.3 The following approval limits apply in respect the appointment of professional service providers in accordance with the prescribed process (all amounts include VAT):

(a) For amounts below R 30 000 : Chief Operating Officer & Strategic Executives
(b) For amounts between R 30 001 and R60 000 : Strategic Executives and COO
(c) For amounts above R 60 000 onwards : COO and Strategic Executive, CFO & the Accounting Officer

3.4 Subject to the provisions of sections 14 and 90 of the MFMA, the Accounting Officer will ensure that:

(a) immovable property is sold at market related prices, unless provincial treasury determines otherwise;
(b) movable assets are sold either by way of price quotation, an advertised competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality;
(c) immovable property is let at market related rates, unless provincial treasury determines otherwise or approves the letting of property free of charge;
(d) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of property are reviewed annually.

3.5 The following approval limits apply in respect of request for payments for the payment of goods and services (excluding contractual and statutory payments), obtained in accordance with the prescribed process (all amounts include VAT):

(a) For amounts below R 30 000 : Chief Operating Officer & Strategic Executives
(b) For amounts between R 30 001 and R60 000 : Strategic Executives and COO
(c) For amounts above R 60 000 onwards : COO and Strategic Executive, CFO & the Accounting Officer

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3.6 The following approval limits apply in respect of request for payments for the payment of contractual (through tender process) goods and services, obtained in accordance with the prescribed process (all amounts include VAT):

- | | |
|--|---|
| (a) For amounts below R 30 000 | : Chief Operating Officer & Strategic Executives |
| (b) For amounts between R 30 001 and R60 000 | : Strategic Executives and COO |
| (c) For amounts above R 60 000 onwards | : COO and Strategic Executive, CFO & the Accounting Officer |

3.7 The following approval limits apply in respect of request for payments for the payment of statutory goods and services and bulk services, obtained in accordance with the prescribed process (all amounts include VAT):

- | | |
|---------------------|---|
| (a) For any amounts | : Head of Departments (Strategic Executive, COO) co-signed by CFO |
|---------------------|---|

4. Objectives of delegation

4.1 The objectives of this system of delegation of powers of the Council are :

- to ensure maximum administrative and operational efficiency;
- to provide for adequate checks and balances;
- to delegate decision-making to the most effective level within the administration;
- to involve employees in management decisions as far as practicable;
- to promote a sense of collective responsibility for performance;
- to assign clear duties for the management and co-ordination of administrative units, systems and mechanisms;
- to define in precise terms the duties of each political structure and political office bearer;
- to determine the relationships amongst the political structures, political office bearers and the administration, and the appropriate lines of accountability and reporting for each of them.

5. Roles and responsibilities

5.1 It is important to define the specific roles and areas of responsibility of each political office bearer, political structure and the Accounting Officer of the Council to ensure :

- good relationships and interaction between these bodies and persons;
- appropriate lines of accountability and reporting for these bodies and persons;



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- (c) that unnecessary overlapping of responsibilities between these bodies and persons are prevented or kept to the minimum;
- (d) that disputes that may arise between these bodies and persons, are resolved amicably and timely;
- (e) good interaction between these bodies and persons, and other Councillors and employees of the Council;

5.2 Political office bearers

(a) The Executive Mayor -

- (i) is responsible, in consultation with the Accounting Officer, for the formulation of policies, plans, strategies and programmes necessary to perform and exercise the municipality's constitutional functions and responsibilities;
- (ii) must in consultation with the Accounting Officer, identify those areas of the municipality's activities and responsibilities that need the assistance of a specific committee of Councillors to investigate, discuss, evaluate and report on to the Executive Mayor;
- (iii) must appoint a member of the Executive Mayoral committee as chairperson for each section 80 committee appointed by the Council;
- (iv) may delegate to such committees any of his powers, but is not divested of the responsibility concerning the exercising of the powers;
- (v) must ensure, in consultation with the Accounting Officer, that a proper committee service responsible for the agenda and minutes is in place for each of the committees, that the committees meet on a regular basis and submit reports to him timely;
- (vi) receives reports with recommendations from the Strategic Executives through the office of the Accounting Officer, on all matters that must be handled by either the Executive Mayor himself or the Council in terms of the delegation of powers of the Council;
- (vii) must consider the matters raised in these reports, and must either dispose of them in terms of his delegated powers, or must forward them with his recommendation to the Council for consideration;
- (viii) receives reports with recommendations from the committees established for specific matters, considers the matters raised in these reports, and must either dispose of them in terms of his delegated powers, or must forward them with his recommendation to the Council for consideration;
- (ix) is responsible for the quality and speed of decision-making;
- (x) should ensure that integration between the various committees take place;
- (xi) plays a prominent role, in consultation with the Accounting Officer, in building, maintaining and enhancing a good relationship between the Council, Councillors and the administration;
- (xii) is responsible for political supervision of, and in consultation with the Accounting Officer, for the accountability of the administration;
- (xiii) is responsible for liaison with the community, ward committees, other committees and Councillors, and political office bearers in the different spheres of government;
- (xiv) should be available on a regular basis to interview the public and visitors to the municipal offices, and to interact with prominent business people as well as developers;



(b) The Speaker -

- (i) must ensure that the Council meetings as well as committee meeting are conducted in an orderly manner, and in this regard he must strictly apply Council's rules and orders and the code of conduct for Councillors;
- (ii) must liaise closely with the committee service responsible for the agenda and minutes of each meeting, in consultation with the Executive Mayor and Accounting Officer as and when necessary;
- (iii) must co-ordinate the arrangements inter alia regarding venues, dates and the circulation of agendas and minutes of all the meetings of the Council and Council committees;
- (iv) must liaise with Councillors, as well as members of the public and media who attend Council meetings, regarding proper conduct during such meetings to ensure compliance with Council's rules and orders;

5.3 Political structures

(a) The Executive Mayoral committee -

- (i) is not a committee of the Council, consist of Councillors appointed by the Executive Mayor and is established for the sole purpose to assist the Executive Mayor;
- (ii) may receive specific responsibilities and delegated powers from the Executive Mayor, which must be exercised strictly in accordance with the conditions and limitations of delegation, if any;
- (iii) is the responsibility of the Executive Mayor and as such each member of the committee report directly to the Executive Mayor on the exercise of his powers;
- (iv) considers only those issues submitted to it by the Executive Mayor or delegated by the Executive Mayor, and submit reports thereon to the Executive Mayor;

(b) The committees of Council -

- (i) consist of Councillors appointed by the Council;
- (ii) the chairperson of each section 80 committee is appointed by the Executive Mayor from the Executive Mayoral committee;
- (iii) may receive specific responsibilities and delegated powers from the Executive Mayor, which must be exercised strictly in accordance with the conditions and limitations of delegation, if any;
- (iv) each committee reports to the Executive Mayor in accordance with the directions of the Executive Mayor;



5.4 Accounting Officer

- (a) The Accounting Officer -
- (i) as head of the administration, is responsible for the effective day to day running of the administration of the municipality;
 - (ii) is responsible for the execution of Council resolutions;
 - (iii) plays a prominent role, together with the Executive Mayor, in building, maintaining and enhancing a good relationship between the Council, Councillors and the administration;
 - (iv) must ensure, after consultation with the Executive Mayor and Speaker, that a proper and effective committee service responsible for the agenda and minutes is in place for each of the committees, and that the committees meet on a regular basis;
 - (v) receives reports with recommendations from the Strategic Executives on all matters that must be handled by either the Accounting Officer, the Executive Mayor or the Council in terms of the delegation of powers of the Council;

6. Principles, conditions and limitations

- 6.1 A delegation and sub-delegation of a power to a delegated body –
- (a) must not conflict with the Constitution, the Structure Act, the Systems Act or any other applicable legislation;
 - (b) must be in writing under signature of the delegating authority;
 - (c) may at any time be withdrawn by the delegating authority in writing;
 - (d) includes the authority to sub-delegate a delegated power;
 - (e) does not divest the delegating authority of the responsibility concerning the exercising of the power;
 - (f) must be reviewed when a new Council is elected;
 - (g) is subject to the limitations, conditions and directives imposed by the delegating authority, if any;
- 6.2 When a power has been duly delegated or assigned by a delegating authority to an employee, the employee may act thereon through any employee under his control.
- 6.3 The following conditions and limitations apply to any power that has been delegated by a delegating authority -
- (a) the delegated body must give effect to the policies of the municipality as approved from time to time by the Council;
 - (b) the delegated body may at any time decide not to exercise the delegated power, but to submit it to the delegating authority for decision. In such event the delegated body must submit its report and recommendations on the matter to the delegating authority for consideration;
 - (c) the delegating authority may at any time instruct the delegated body not to act on a delegation, but to submit the matter to it for decision



and execution as provided for in section 61 of the Systems Act. In such an event the delegated body must submit its report and recommendations on the matter to the delegating authority;

- (d) a delegated body may not incur expenditure in the exercising of the delegated powers that has not been provided for in the budget.

6.4 A person whose rights are affected by a decision taken by a delegated body may appeal against that decision by giving written notice and reasons for the appeal to the Accounting Officer within 21 days of the date of the notification of the decision. The Accounting Officer must promptly submit the appeal to the appropriate appeal authority who must decide on the appeal in the manner and within the time set out in the Systems Act. The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. When the appeal is against a decision taken by-

- (a) a staff member other than the Accounting Officer, the Accounting Officer is the appeal authority;
- (b) the Accounting Officer, the Executive Mayor is the appeal authority, except in the case of procurement decisions where the Council is the appeal authority;
- (c) a political structure, a political office bearer or a councillor, the Council is the appeal authority;

An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

6.5 A councillor or a staff member to whom a power had been delegated, must report to the delegating authority in writing on all decisions taken in terms of that delegated power; A report in this regard must be submitted as follows:

- (a) by the Executive Mayor for information to the Council, together with his report on his decisions and recommendations on the matters considered by him at every Council meeting;
- (b) by the Accounting Officer to the Executive Mayor within 14 days of the end of each month. This report must be incorporated into the report of the Executive Mayor to the Council as mentioned in (a);
- (c) by a **Strategic Executive** to the Accounting Officer within 12 days of the end of each month. This report must be incorporated into the report of the Accounting Officer to the Executive Mayor as mentioned in (b);
- (d) by a Strategic Executive to the Strategic Executive concerned within 10 days of the end of each month. This report must be incorporated into the report of the Strategic Executive to the Accounting Officer as mentioned in (c);
- (e) by a Strategic Executive to the Strategic Executive concerned within 8 days of the end of each month. This report must be incorporated into the report of the Strategic Executive to the Strategic Executive as mentioned in (d);
- (f) by other delegated bodies of lower designations to the Strategic Executive concerned within 6 days of the end of each month. This report must be incorporated into the report of the Strategic Executive to the Strategic Executive as mentioned in (e);

6.6 The withdrawal, amendment or lapse of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation before such withdrawal, amendment or lapse.

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- 6.7 Whenever it becomes necessary to review the municipality's delegations of powers, the Accounting Officer must submit a report on the existing delegations with recommendations on any changes thereto which the Accounting Officer may consider necessary, to the Council through the Executive Mayor.
- 6.8 A decision taken by a delegated body in the exercise of the municipality's authority must be in writing.

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2.1. Council reserved powers

The powers set out hereunder are reserved for the Council either by means of legislation or by Council resolution, and may not be delegated to any of the municipality's other political structures, political office bearers or employees. The Council may however take no decision in respect of these matters, unless it has received and considered the report and recommendations of the Executive Mayor in this regard

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
160(2) CON	The passing of by-laws	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
160(2) CON 16(1) MFMA	The approval of budgets	Council	None	A decision in this regard must be by the Council with a supporting vote of a majority of its members taken before the start of the financial year. Section 25 MFMA applies in event that the budget is not approved
160(2) CON 75A(2) MSA 14(1) MPRA	The imposition of rates and other taxes, levies and duties	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
160(2) CON	The raising of loans	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
59(1)(a) MSA 75A(2) MSA	The setting of tariffs	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
14(2) MFMA	The transfer of ownership or otherwise disposal of a capital asset that is not needed to provide the minimum level of basic municipal services	Council	In terms of S 14 (4) Accounting Officer	A public process must be embarked upon to dispose of the asset.
Item 8 Code of Conduct for	Considering any application of a full-time Councillor so designated to perform other work for remuneration	Council	Executive Mayor	



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SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Councillors				
60(3) MST A	Designating the powers of the Executive Mayor that must be exercised by the Executive Mayor together with the other members of the Executive Mayoral committee	Council	None	
Item 7(4) Code of Conduct for Councillors	Determining the financial interests of Councillors that must be made public	Council	Speaker	
14(2)(a)	Deciding, at a meeting open to the public and on reasonable grounds, that an asset of the Municipality is not needed to provide the minimum level of basic municipal services.	Council	None	Only in respect of movable capital assets below a value determined by the Council
14(2)(b)	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange for an asset to be disposed of	Council	None	Only in respect of movable capital assets below a value determined by the Council
16(3) MFMA	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	Council	None	A separate appropriation must be made for each of financial year
19(1)(b) MFMA	Approving a capital project, including its total cost	Council	None	
19(1)(d) MFMA	Considering the sources of funding of a capital project	Council	None	
19(2) MFMA	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.	Council	None	
19(3) MFMA	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme	Council	None	
23(1) MFMA	Receiving and considering the views of the communities and organs of state received in connection with the budget	Council	None	
23(2) MFMA	Deciding to give the Executive Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	Council	None	
28(1) MFMA	Deciding to revise an approved budget by way of an adjustments budget	Council	None	
32(2) MFMA	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure	Council	Political = Speaker Admin = MM	NOTE: In terms of the judgements of the Courts in the cases of <u>The Democratic Alliance and another v</u>



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SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
				Amos Masondo and another (WLD) (Case No 01/9260) (2001) and Democratic Alliance and Another v Amos Masondo N O and the Minister of Provincial and Local Government (CC) (Case No CCT 29/02) a Executive Mayoral committee was found not to be a committee of a municipal council. The Council may therefore not appoint the Executive Mayoral Committee to perform such an investigation
32(7) MFMA	Determining whether an alleged irregular expenditure incurred by the Accounting Officer constitutes a criminal offence	Council	None	
32(7) MFMA	Determining whether the Accounting Officer allegedly committed an act of theft and fraud	Council	None	
33(1) MFMA	Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year	Council	None	
38(2) MFMA	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality	Council	EM	
45(2)(a) MFMA	Approving any short term debt agreement	Council	None	
46(1)	Deciding whether to incur long term debt	Council	None	1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report



MERAFONG CITY LOCAL MUNICIPALITY **DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
				and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan
46(2)(a) MFMA	Approving any long term debt agreement	Council	None	
48(1) MFMA	Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	Council	None	
48(2) MFMA	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	Council	None	
48(3)(a) MFMA	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	Council	None	
48(3)(b) MFMA	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected	Council	None	
50 MFMA	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality	Council	None	
84(2)(b)(ii) MFMA	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity	Council	None	
87(1) MFMA	Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year	Council	None	
89(a) MFMA	Determining the upper limits of the salary, allowances and other benefits of the Chief Executive Officer and senior managers of a municipal entity of which the Municipality is the parent municipality	Council	None	
90(2) MFMA	Considering an application from a municipal entity of which the Municipality is the parent municipality, to transfer ownership or otherwise dispose of a capital	Council	None	Council must in a meeting open to the public, decide whether an asset



MERAFONG CITY LOCAL MUNICIPALITY **DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	asset other than an asset needed to provide the minimum level of basic municipal services			is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset
90(4) MFMA	The transfer of ownership or otherwise disposal of a movable capital asset, of a municipal entity of which the Municipality is the parent municipality, below the value of R 1 000 000.00 that is not needed to provide the minimum level of basic municipal services	Council	None	Must determine whether an asset is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset
97(3) MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	Council	None	
109 MFMA	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of Directors of the entity fails to act effectively – (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement; (b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or (c) liquidate and disestablish the entity.	Council	None	
116(3) MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement	Council	None	
120(1) MFMA	Deciding to enter into a public-private partnership agreement	Council	None	
120(1)(a) MFMA	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality	Council	None	
120(1)(b) MFMA	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality	Council	None	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
120(5) MFMA	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership	Council	None	
126(4) MFMA	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Council	None	
129(1) MFMA	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control	Council	None	
129(1) MFMA	Adopting an oversight report containing the Council's comments on the annual report(s)	Council	None	
129(5) MFMA	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	None	
133(c)(i)	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	None	
133(c)(ii)	Receiving the report of the appointed councillor regarding the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	None	
133(c)(iii)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be.	Council	None	
133(c)(iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager	Council	None	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council			
133(1)(c)(i) MFMA	Admin: and Political: Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Accounting Officer or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	Executive Mayor for Accounting Officer Speaker for Executive Mayor	
133(1)(c)(i) MFMA	Receiving the report of the appointed councillor regarding the failure of the Accounting Officer or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council		
133(1)(c)(iii) MFMA	Deciding whether disciplinary steps should be taken against the Accounting Officer or other persons responsible for the failure of the Accounting Officer or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	EM	
148(1)(b)(i) MFMA	Declaring the Municipality's willingness to fulfill the Executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the Municipality	Council	None	
166(2)(d) MFMA	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent authority.	Council	None	
166(2) MFMA	Receiving reports of the audit committee	Council	None	
166(4) MFMA	Determining the number of members of the audit committee	Council	None	
166(4) MFMA	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council	None	In consultation with the Accounting Officer
166(5) MFMA	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality	Council	None	
166(5) MFMA	Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity a chairperson	Council	None	



MERAFONG CITY LOCAL MUNICIPALITY **DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 2: POWERS OF THE COUNCIL Council reserved powers	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
168(3) MFMA	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Council	None	In consultation with the Accounting Officer
171(4)(a) MFMA	Investigating any allegations of financial misconduct against the Accounting Officer unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	None	
171(4)(a) MFMA	Deciding whether an allegation of financial misconduct against the Accounting Officer is frivolous, vexatious, speculative or obviously unfounded	Council	None	
171(4)(b)	Deciding whether an investigation of an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings.	Council	None	Any disciplinary proceedings must be conducted in terms of the relevant collective agreement
174(4)(b) MFMA	Deciding whether an investigation of an allegation of financial misconduct against the Accounting Officer revealed anything that warrants the institution of disciplinary proceedings	Council	None	
176(2) MFMA	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office	Council	None	
178(2)(a) MFMA	Submitting to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest	Council	None	
178(2)(b) MFMA	Submitting to the National Treasury a list of all public-private partnerships to which the Municipality is a party, with a value of more than one million Rand in total or per annum	Council	None	



MERAUFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR

3.1. Executive Mayor statutory powers

The powers set out hereunder are assigned to the Executive Mayor in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR EXECUTIVE MAYOR STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
56 MST	To receive reports from the committees of the Council and to forward these reports together with a recommendation to the Council when the matter cannot be disposed of by him in terms of his delegated powers	Executive Mayor	None	
31(d) MFMA	Giving written approval for exceeding the amount appropriated in respect of a capital programme	Executive Mayor	None	
31(e) MFMA	Submitting the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit issued by the Accounting Officer and the Executive Mayor's approval for exceeding the amount appropriated in respect of a capital programme to the provincial treasury and the Auditor-General	Executive Mayor	MM	Subject to section 21 MFMA
53(1)(c)(i) MFMA	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	Executive Mayor	None	
53(1)(c)(iii) MFMA	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Accounting Officer and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	Executive Mayor	None	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year
53(3)(a) MFMA	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	Executive Mayor	None	
53(3)(b) MFMA	Submission of the annual performance agreements of the Accounting Officer, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local government	Executive Mayor	None	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

SECTION IN ACT	CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR EXECUTIVE MAYOR STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
54(1)(c) MFMA	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Executive Mayor	None	Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the Council following approval of an adjustments budget
54(1)(c) MFMA	Determining the process of formulating revisions to the service delivery and budget implementation plan	Executive Mayor	None	
54(1)(d) MFMA	Determining the instructions to be given to the Accounting Officer to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	Executive Mayor	None	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Accounting Officer to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems
54(1)(e) MFMA	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems	Executive Mayor	None	
54(3) MFMA	Making public any revisions of the service delivery and budget implementation plan	Executive Mayor	None	
55 MFMA	Immediately report to the MEC for local government if the Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem	Executive Mayor	None	
56 MFMA	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	Executive Mayor	None	
59(1)(a) MFMA	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	Executive Mayor	None	1. Such power or duty may only be delegated to another member of the Executive Mayoral Committee



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR EXECUTIVE MAYOR STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
				2. A delegation by the Executive Mayor must be in writing 3. A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
59(2) MFMA	Determining the conditions and limitations of any delegation by the Executive Mayor	Executive Mayor	None	
59(3) MFMA	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor	Executive Mayor	None	No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision
87(9) MFMA	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting	Executive Mayor	None	
102(1) MFMA	Receiving a report of the board of Directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	Executive Mayor	None	
127(2) MFMA	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	None	
127(3)(a) MFMA	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	None	
131(1) MFMA	Ensuring that the Municipality addresses all the issues raised in an audit report	Executive Mayor	None	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

3.2. Executive Mayor's powers delegated by Council

The powers set out hereunder are delegated by the Council to the Executive Mayor

SECTION IN ACT	CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR EXECUTIVE MAYOR'S POWERS DELEGATED BY COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
60(1)(a) MSA	The decision to expropriate immovable property or rights in or to immovable property	Council	Executive Mayor	In accordance with a policy framework determined by the Council
60(1)(b) MSA	The determination or alteration of the remuneration, benefits or other conditions of service of the Accounting Officer and Strategic Executives.	Council	Executive Mayor	In accordance with a policy framework determined by the Council
32(7) MFMA	Reporting alleged irregular expenditure incurred by the Accounting Officer that constitutes a criminal offence and alleged theft and fraud perpetrated by the Accounting Officer to the SAPS	Council	Executive Mayor	
34(1) MFMA	Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management	Council	Executive Mayor	
34(3)(a) MFMA	Considering the results of the provincial government's monitoring of the Municipality	Council	Executive Mayor	
34(3)(b) MFMA	Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality	Council	Executive Mayor	
37(1)(a) MFMA	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	Council	Executive Mayor	
39(3) MFMA	Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	Council	Executive Mayor	
44(1) MFMA	Deciding the reasonable steps to settle a dispute of a financial nature between the Municipality and another organ of state out of court	Council	Executive Mayor	Subject to section 52 MFMA
44(2)(a) MFMA	Reporting a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury) to the National Treasury	Council	Executive Mayor	Subject to section 52 MFMA
44(2)(b) MFMA	Deciding whether to request the National Treasury to mediate or to appoint a mediator to mediate a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury)	Council	Executive Mayor	Subject to section 52 MFMA
135(3) MFMA	Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments	Council	Executive Mayor	In consultation with Accounting Officer



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR EXECUTIVE MAYOR'S POWERS DELEGATED BY COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
135(3)(a) MFMA	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Executive Mayor	In consultation with Accounting Officer
135(3)(a) MFMA	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Executive Mayor	In consultation with Accounting Officer
135(3)(b) MFMA	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Executive Mayor	
135(3)(c) MFMA	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Executive Mayor	

**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**



CHAPTER 4: POWERS OF THE SPEAKER

4.1. Speaker statutory powers

The powers set out hereunder are assigned to the Speaker in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	CHAPTER 4: POWERS OF THE SPEAKER SPEAKER STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
103 MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of Directors of the municipal entity	Speaker	None	
130(1) MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	Speaker	None	
133(1)(b)(i) MFMA	Receiving information from the Auditor-General regarding the failure to submit annual financial statements	Speaker	None	
133(1)(b)(ii) MFMA	Submitting information received from the Auditor-General regarding the failure to submit annual financial statements to the Council	Speaker	None	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

4.2 Speaker powers delegated by the Council

The powers set out hereunder are delegated by the Council to the Speaker

SECTION IN ACT	CHAPTER 4: POWERS OF THE SPEAKER SPEAKER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To ensure liaison with the community, ward committees, community development workers (CDW) and councillors	Council	Speaker	
Item 6(2) Code of Conduct for Councillors	The decision to give consent to a Councillor to do business with the municipality	Council	Speaker	
137(2) MFMA	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial Executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the Municipality	Council	Speaker	
147(1)(b) MFMA	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	Council	Speaker	
148(3)(a) MFMA	Receiving a notification that an intervention in the Municipality has ended	Council	Speaker	
143(3)(a) MFMA	Receiving an approved financial recovery plan for the Municipality	Council	Speaker	In consultation with Accounting Officer



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER

5.1. Accounting Officer statutory powers

The powers set out hereunder are assigned to the Accounting Officer in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
55(1) MSA	<p>The formation and development of an economical, effective, efficient and accountable administration-</p> <p>(a) equipped to carry out the task of implementing the municipality's integrated development plan in accordance with Chapter 5 of the Systems Act;</p> <p>(b) operating in accordance with the municipality's performance management system in accordance with Chapter 6 of the Systems Act; and</p> <p>(c) responsive to the needs of the local community to participate in the affairs of the municipality</p>	Accounting Officer	None	
55(1) MSA	The management of the municipality's administration in accordance with the Systems Act and other legislation applicable to the municipality	Accounting Officer	None	
55(1) MSA	The appointment of staff - other than the Accounting Officer and Strategic Executives - subject to the provisions of the Employment Equity Act, 1998 (Act 55 of 1998)	Accounting Officer	None	
55(2) MSA	As accounting officer of the municipality, the Accounting Officer is responsible and accountable for-	Accounting Officer	None	
	<p>(a) all income and expenditure of the municipality;</p> <p>(b) all assets and the discharge of all liabilities of the municipality; and</p> <p>(c) proper and diligent compliance with applicable municipal finance management legislation</p>			
66 MSA	<p>To, within a policy framework determined by the Council and subject to any applicable legislation, -</p> <p>(a) approve a staff establishment for the administration which includes the approval of the creation of posts as required from time to time;</p>	Accounting Officer	None	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	<p>(b) provide a job description for each post on the staff establishment;</p> <p>(c) align the remuneration and other conditions of service for each post on the staff establishment in accordance with applicable labour legislation and any collective agreement; and</p> <p>(d) regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.</p>			
26(4) MFMA	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.	Accounting Officer	None	Subject to section 11 MFMA
32(3) MFMA	Deciding whether a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer	None	
32(3) MFMA	Instructing an authorised official not to implement a decision taken by the Council or the Executive Mayor that is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer	None	
32(3) MFMA	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer	None	
32(6) MFMA	Determining whether an alleged irregular expenditure constitutes a criminal offence	Accounting Officer	None	
32(6) MFMA	Determining whether alleged theft and fraud occurred in the Municipality	Accounting Officer	None	
32(6) MFMA	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS	Accounting Officer	None	
54(1)(d) MFMA	Determining the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality	Accounting Officer	None	
62(1)(e) MFMA	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Accounting Officer	None	Strategic Executives and Managers to exercise power in divisions
67(1) MFMA	Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Accounting Officer	None	
80(1)(b) MFMA	Allocating officials of the Municipality to the Chief Financial Officer	Accounting Officer	None	
84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the	Council	MM Accounting	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
MFMA	provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity		Officer	
90(2) MFMA	Receiving an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Accounting Officer	None	
90(2) MFMA	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a movable capital asset other than an asset needed to provide the minimum level of basic municipal services with a value below a valued determined by the Council	Accounting Officer	None	
114(1) MFMA	Approval of tenders not recommended by the Adjudication Committee. Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Accounting Officer	None	
114(1) MFMA	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	Accounting Officer	None	
116(3)(a) MFMA	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council	Accounting Officer	None	
120(1)(c) MFMA	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	Accounting Officer	None	
131(2)(a) MFMA	Submitting the Municipality's responses to the issues raised in an audit report to the MEC for local government	Accounting Officer	None	
133(1)(c)(ii) MFMA	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be	Accounting Officer	None	
152(1) MFMA	Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming	Accounting Officer	None	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	money from the Municipality if the Municipality is unable to meet its financial commitments			
153(1)(a) MFMA	Bringing an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Accounting Officer	None	
153(3) MFMA	Giving notice of an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Accounting Officer	None	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

5.2. Accounting Officer's powers delegated by the Council

The powers set out hereunder are delegated by the Council to the Accounting Officer

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To approve the allocation of official telephones to the private homes of officials	Council	Accounting Officer	
	To approve the attendance by Managers of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted inside the boundaries of the Republic of South Africa: Provided that the necessary funds are available. The approval of the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events conducted outside the boundaries of the Republic of South Africa, shall be approved in consultation with the Executive Mayor.	Council	Accounting Officer	
Item 4(2) Code of Conduct for Staff Members	The decision to give consent to a Staff Members to do business with the municipality	Council	Accounting Officer	
	(a) To create temporary posts in the event of the occurrence of bottlenecks or emergency situations; (b) To appoint and discharge employees - with the exception of the Accounting Officer, Strategic Executives and Managers - in compliance with the relevant legislation; (c) To transfer and promote officials from one division to another, excluding Strategic Executives; (d) To apply disciplinary measures in terms of the conditions of service and, with the exception of Strategic Executives to suspend and discharge officials, provided that the SE Support Services is represented at the hearings or appeals of such officials	Council	Accounting Officer	In consultation with the Manager concerned
7(1) MFMA	Deciding to open a bank account for the Municipality	Council	Accounting Officer	
7(1) MFMA	Deciding at which bank/banks to open a bank account	Council	Accounting Officer	
7(1) MFMA	Deciding to close a bank account	Council	Accounting Officer	In consultation with the Accounting Officer
7(2) MFMA	Determining into which bank account money collected or received by the Municipality must be deposited	Council	Accounting Officer	
8(1) MFMA	Designating a bank account of the Municipality as the Municipality's primary bank account	Council	Accounting Officer	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
8(4) MFMA	Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned	Council	Accounting Officer	
12(2) MFMA	Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund	Council	Accounting Officer	
13(2) MFMA	Establishing an appropriate and effective cash management and investment policy for the Municipality	Council	Accounting Officer	In consultation with Accounting Officer
14(4) MFMA	The transfer of ownership or otherwise disposal of a movable capital asset below the value of R 1 000 000.00 that is not needed to provide the minimum level of basic municipal services	Council	Accounting Officer	Must determine whether an asset is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset
32(2) MFMA	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure	Council	Accounting Officer	
32(2) MFMA	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Council	None	In consultation with SE Support Services. Except, in the case of – 1. unauthorised expenditure, if the amount of the expenditure is authorised in an adjustments budget; or 2. is certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and 3. irregular or fruitless and wasteful expenditure is, after investigation by a Council committee, certified by the Council as irrecoverable and written off by the Council
45(1) MFMA	Deciding whether to incur short term debt	Council	Accounting Officer	
83(2) MFMA	Determining the resources or opportunities to be made available for the	Council	Accounting Officer	



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SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	training of officials to meet the prescribed financial management competency levels			
84(1a) MFMA	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity	Council	Accounting Officer	
84(2)(b)(i) MFMA	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Council	Accounting Officer	
86(1) MFMA	Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s)	Council	Accounting Officer	
87(2) MFMA	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives	Council	Accounting Officer	
87(2) MFMA	Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality	Council	Accounting Officer	
87(5)(c) MFMA	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality	Council	Accounting Officer	
88(b)(ii) MFMA	Receiving and considering a mid-year performance assessment report of a municipal entity of which the Municipality is the parent municipality	Council	Accounting Officer	
89(b) MFMA	Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Council on all expenditure incurred by that municipal entity on Managers and staff remuneration matters, and in a manner that discloses such expenditure per type of expenditure	Council	Accounting Officer	
97(3) MFMA	Considering a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	Council	Accounting Officer	
101(1) MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity	Council	Accounting Officer	
104(1)(b) MFMA	Deciding which information, returns, documents, explanations and motivations to require from the accounting officer of a municipal entity of which the Municipality is the parent municipality	Council	Accounting Officer	
113(1) MFMA	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process	Council	Accounting Officer	In accordance to a prescribed framework
114(1) MFMA	Receiving a report containing the reasons for deviating from such	Council	Accounting Officer	



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SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	recommendation from the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved			
116(3) MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement	Council	Accounting Officer	
119(2) MFMA	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels	Council	CFO	
121(1) MFMA	Preparing an annual report for the Municipality	Council	Accounting Officer	
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality.	Council	Accounting Officer	
126(2)(a) MFMA	Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Council	Accounting Officer	
139(2) MFMA	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the Municipality's financial affairs and assessment of the Municipality's financial state	Council	Accounting Officer	
141(3)(a) MFMA	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	Council	Accounting Officer	
144(2) MFMA	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	Council	Accounting Officer	
144(2) MFMA	Implementing an approved financial recovery plan for the Municipality	Council	Accounting Officer	In consultation with Executive Mayor
145(1)(a) MFMA	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality	Council	Accounting Officer	
146(1)(a) MFMA	Deciding to conduct a feasibility study before a public-private partnership is concluded	Council	Accounting Officer	
145(1)(b) MFMA	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	Accounting Officer	
120(4) MFMA	Deciding to apply to the High Court for an order to stay, for a period not	Council	Accounting Officer	
152(1) MFMA				
153(1)(a) MFMA				



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SECTION IN ACT	CHAPTER 5: POWERS OF THE ACCOUNTING OFFICER ACCOUNTING OFFICER POWERS DELEGATED BY THE COUNCIL	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality			
153(1)(b) MFMA	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	Accounting Officer	
165(1) MFMA	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	Accounting Officer	
166(1) and (6) MFMA	Deciding whether to establish an audit committee for the municipality or the District Council	Council	Accounting Officer	
171(4)(a) MFMA	Investigating any allegations of financial misconduct against the Chief Financial Officer, a Strategic Executive or senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	Accounting Officer	
171(4)(b) MFMA	Deciding whether an allegation of financial misconduct against the Chief Financial Officer, a Strategic Executive or a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded	Council	Accounting Officer	
174(4)(b) MFMA	Deciding whether an investigation of an allegation of financial misconduct against the Chief Financial Officer, a Strategic Executive or a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings	Council	Accounting Officer	
178(2)(c) MFMA	Submitting to the National Treasury a list of all other types of contracts of the Municipality for a period beyond 1 January 2007 and with a value of more than one million Rand in total or per annum	Council	Accounting Officer	
75A(3) MSA 14(1) MPRA	To publish the resolutions of Council in respect of the levying of rates and the recover of fees, charges or tariffs	Council	Accounting Officer	



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5.3. Accounting Officer's powers delegated by the Executive Mayor

The powers set out hereunder are delegated by the Council to the Accounting Officer

	Deciding to set-up a relief, charitable, trust or other fund of whatever description	Executive Mayor	Accounting Officer	
12(1) MFMA	Tabling the budget at a Council meeting	Executive Mayor	Accounting Officer	The annual budget must be tabled at least 90 days before 1 July each year
16(2) MFMA				
21(1)(a) MFMA	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	Executive Mayor	Accounting Officer	
21(1)(b) MFMA	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	Executive Mayor	Accounting Officer	At least 10 months before 1 July each year
21(2)(b) MFMA	Deciding the reasonable steps to be taken to review the Municipality's integrated development plan	Executive Mayor	Accounting Officer	
21(2)(d) MFMA	Determining the manner and timing of consultation of the local communities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget	Executive Mayor	Accounting Officer	
21(2)(e) MFMA	Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	Executive Mayor	Accounting Officer	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury
25(3) MFMA	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Executive Mayor	Accounting Officer	Immediately report the matter to the MEC responsible for local government
27(1) MFMA	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	Accounting Officer	
27(1) MFMA	Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	Accounting Officer	
27(2) MFMA	Deciding to apply to the MEC responsible for finance to extend any time limit	Executive Mayor	Accounting Officer	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

	or deadline with regard to the preparation and approval of the annual budget	Executive Mayor	Accounting Officer	
27(2) MFMA	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Executive Mayor	Accounting Officer	
27(3) MFMA	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance	Executive Mayor	Accounting Officer	
28(4) MFMA	Tabling an adjustments budget in the Council	Executive Mayor	Accounting Officer	
29(1) MFMA	Deciding to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	Accounting Officer	
29(2)(c) MFMA	Reporting to the Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	Accounting Officer	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given
52(a) MFMA	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	Executive Mayor	Accounting Officer	
52(b) MFMA	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Accounting Officer and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA	Executive Mayor	Accounting Officer	
52(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget	Executive Mayor	Accounting Officer	
52(d) MFMA	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	Executive Mayor	Accounting Officer	
53(1)(a) MFMA	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayor	Accounting Officer	
53(1)(b) MFMA	Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget	Executive Mayor	Accounting Officer	
53(1)(b) MFMA	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayor	Accounting Officer	
53(1)(c)(ii) MFMA	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	Executive Mayor	Accounting Officer	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

			Executive Mayor	Accounting Officer	budget
53(2) MFMA	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements		Executive Mayor	Accounting Officer	
53(3)(b) MFMA	Ensuring that the performance agreements of the Accounting Officer, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan		Executive Mayor	Accounting Officer	
54(1)(a) MFMA	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report		Executive Mayor	Accounting Officer	<p>1. The statement a statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month</p> <p>2. The mid-year performance assessment report must be submitted not later than 25 January of each year</p> <p>3. The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year</p>
54(1)(b) MFMA	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan		Executive Mayor	Accounting Officer	
87(3) MFMA	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Council		Executive Mayor	Accounting Officer	Together with the Municipality's budget for the relevant financial year
87(6) MFMA	Considering an application by the board of Directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity		Executive Mayor	Accounting Officer	
133(1)(a) MFMA	Tabling in the Council a written explanation setting out the reasons for the failure of the Accounting Officer or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Executive Mayor / Council	Accounting Officer	
136(1)(a) MFMA	Participating in consultations with the MEC for local government regarding a		Executive Mayor	Accounting Officer	



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	serious financial problem in the Municipality			
137(1)(d) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	Executive Mayor	Accounting Officer	
139(1)(b) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	Executive Mayor	Accounting Officer	
139(2) MFMA	Receiving a request made by the provincial administration to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality	Executive Mayor	Accounting Officer	



**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**

CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO and COO)

1. Strategic Executives (including the CFO and the COO CHAPTER 2: POWERS OF THE COUNCIL) general powers delegated by the Accounting Officer over and above those powers specifically delegated to each one of them

The powers set out hereunder are delegated by the Accounting Officer to the Strategic Executives and Chief Operating Officer

SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO and COO) GENERAL POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
32(4)(a) MFMA	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer	All SE's	In consultation with the SE Support Services
32(4)(b) MFMA	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality as reported in S. 4(a)	Accounting Officer	COO, Internal Audit	In consultation with the SE Support Services
32(4)(c) MFMA	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality	Accounting Officer	In consultation with COO, Manager Internal Audit	In consultation with the SE Support Services
62(1)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the resources of the Municipality are used effectively, efficiently and economically	Accounting Officer	To all SE's	In consultation with SE Support Services
62(1)(c)(ii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Accounting Officer	In consultation with COO, Manager Internal Audit	In consultation with the CFO
62(1)(d) MFMA	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Accounting Officer	All SE's	In consultation with the CFO
62(1)(e) MFMA	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Accounting Officer	All SE's	In consultation with SE Support Services & CFO
65(2)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	Accounting Officer	CFO	In consultation with the SE Support Services
115(1)(b) MFMA	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimize the likelihood of fraud, corruption, favoritism and unfair and irregular practices	Accounting Officer	COO and Internal Audit	In consultation with



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SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO and COO) GENERAL POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
116(2)(a) MFMA	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Accounting Officer	COO and Internal Audit	In consultation with
116(2)(b) MFMA	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	Managers	In consultation with SE Support Service and Manager Legal
116(2)(c) i MFMA	Establishing the capacity in the Municipality's administration to assist the Accounting Officer to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	Managers SE	In consultation with the SE Support Services
116(2)(c) ii MFMA	To monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	All SE's	
116(2)(d) MFMA	Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Accounting Officer	Managers	In consultation with the SE Support Services



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2. CFO statutory powers

The powers set out hereunder are assigned to the CFO in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO & COO): CFO STATUTORY POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
81(1)(b) MFMA	Advising the Accounting Officer on the exercise of powers and duties assigned to her/him in terms of the MFMA	CFO	None	
81(1)(c) MFMA	Assisting the Accounting Officer in administering the Municipality's bank accounts and in the preparation and implementation of the Municipality's budget	CFO	None	
81(1)(d) MFMA	Advising senior managers and other senior officials in the exercise of powers and duties assigned or delegated to them	CFO	None	
82(4) MFMA	Reviewing and confirming, varying or revoking any decision taken in consequence of a sub-delegation by the Chief Financial Officer	CFO	None	



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3. CFO powers delegated by the Accounting Officer

The powers set out hereunder are delegated by the Accounting Officer to the CFO

SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO & COO): CFO POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATION	CONDITIONS
96 MSA 74 MSA 3 MPRA	To make and annually review all required financial policies, inter alia for: Credit Control and Debt Collection Policy Tariff Policy on levying of fees for municipal services Rates Policy on the levying of rates on rateable property	Accounting Officer	CFO		In consultation with SE Support Services
98 MSA 75 MSA 6 MPRA	To make applicable by-laws to give effect to the implementation and enforcement of the financial policies, and obtain Council approval inter alia for: Credit Control and Debt Collection By-laws Tariff By-laws Property Rates By-laws	Accounting Officer	CFO		In consultation with SE Support Services
	To implement and enforce all the municipality's financial policies and applicable by-laws, and to use all available processes to collect moneys owed to the Council in terms of a contract, legislation, court order, decision of the Council or any other legal basis	Accounting Officer	CFO		
	To obtain an interim property valuation from the Council's appraisers as and when the need arise, in respect of any property within the municipal area	Accounting Officer	CFO		
	To commence with a legal process on behalf of Council in respect of the recovering of any money owed to the Council for whatever reason and in any court which has jurisdiction, with the inclusion of the signing of all necessary documents in this regard. This includes the power to instruct the Council's attorneys and an advocate when necessary, to act on behalf of Council in such cases	Accounting Officer	CFO		
	To issue a clearance certificate, which certifies that the rates, fees, amounts and interest in respect of a certain property in the municipal area, have been paid to the Council as required	Accounting Officer	CFO		



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SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO & COO): CFO POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATION	CONDITIONS
	by the applicable legislation				
	To claim from and make payments to professional persons or firms	Accounting Officer	CFO		
	To approve the attendance by officials in the directorate of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted within the boundaries of the Republic of South Africa : Provided that the necessary funds are available	Accounting Officer	CFO		
60(2) MSA	The decision to make investments on behalf of the municipality	Accounting Officer	CFO		In consultation with the Accounting Officer
8(3) MFMA	Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account	Accounting Officer	CFO		
8(5) MFMA	Submission of the Municipality's primary bank account details, and any impending change thereof	Accounting Officer	CFO	Manager : Expenditure	
9(a) MFMA	Submission of the prescribed details regarding any new bank accounts opened for the Municipality	Accounting Officer	CFO	Manager : Expenditure	
9(b) MFMA	Submission of the details of the Municipality's bank accounts annually before the start of a financial year	Accounting Officer	CFO	Manager : Expenditure	
10(1)(a) MFMA	Administration of the Municipality's bank accounts	Accounting Officer	CFO	Manager : Budget & Treasury	
10(2) MFMA	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Accounting Officer	CFO		
11(1) MFMA	Authorising staff to withdraw or authorise the withdrawal of money from the Municipality's bank account	Accounting Officer	CFO		
11(4)(a) MFMA	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (i) of the MFMA from the Municipality's bank accounts	Accounting Officer	CFO	Manager : Expenditure	A quarterly consolidated report of all withdrawals made from the Municipality's bank accounts must be tabled in the Council, and submitted to the provincial treasury and the Auditor-General within 30 days after the end of each



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SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES (INCLUDING THE CFO & COO): CFO POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	SUB DELEGATION	CONDITIONS
11(4)(a) MFMA	Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Council	Accounting Officer	CFO		quarter.
11(4)(b) MFMA	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Accounting Officer	CFO		
12(4) MFMA	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Accounting Officer	CFO		Such authorisation must be in accordance with decisions of the Council in this regard and only for the purposes for which, and subject to the conditions on which, the fund was established or the money in the fund was donated
24(3) MFMA	Submission of the approved annual budget to the National Treasury and the provincial treasury	Accounting Officer	CFO	Manager : Budget & Treasury	
31(c) MFMA	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Accounting Officer	CFO	Manager : Budget & Treasury	Funds for the programme in question should have been appropriated for more than one financial year
32(2) MFMA	Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget	Accounting Officer	CFO		In consultation with SE Support Services
32(4) MFMA	Deciding whether an expenditure incurred by the Municipality was unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer	CFO		Strategic Executives and Managers to exercise power in divisions
32(4) MFMA	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Accounting Officer	CFO		Strategic Executives and Managers to exercise power in divisions
32(4) MFMA	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and	Accounting Officer	CFO		Strategic executives and Managers to exercise power



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	wasteful expenditure				in divisions
32(4) MFMA	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Accounting Officer	CFO		Strategic Executives and Managers to exercise power in divisions
32(4) MFMA	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality	Accounting Officer	CFO		Strategic Executives and Managers to exercise power in divisions
32(4) MFMA	Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	Accounting Officer	CFO		
37(2) MFMA	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the receiving municipality thereof	Accounting Officer	CFO		Such notification must be given on or before 2 April each year
45(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any short term debt	Accounting Officer	CFO		
46(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Accounting Officer	CFO		
60(b)(i) MFMA	Determining the nature, extent and manner of providing guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality and any municipal entity under the sole or shared control of the Municipality	Accounting Officer	CFO		
61(1)(b) MFMA	Deciding to disclose to the Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor	Accounting Officer	CFO		
61(1)(b) MFMA	Deciding the timing and manner of disclosing to the Council and the Executive Mayor all material facts which are available	Accounting Officer	CFO		



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	or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor				
62(1)(b) MFMA	Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Accounting Officer	CFO	Manager : Budget & Treasury	
62(1)(c)(i) MFMA	Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control	Accounting Officer	CFO	Manager : Budget & Treasury & All Divisional Managers	
62(1)(f)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Accounting Officer	CFO	Manager : Income	
62(1)(f)(ii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Property Rates Act	Accounting Officer	CFO	Manager : Income	In consultation with SE Support Services
62(1)(f)(iii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Accounting Officer	CFO		In consultation SE Support Services
63(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Accounting Officer	CFO	Manager : Budget & Treasury	
63(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Accounting Officer	CFO	Manager : Budget & Treasury	
63(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Accounting Officer	CFO	Manager : Budget & Treasury Manager : Budget & Treasury Manager : Budget & Treasury	
64(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems	Accounting Officer	CFO	Manager : Income	



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	consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy				
64(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Accounting Officer	CFO	Manager : Income	
64(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Accounting Officer	CFO	Manager : Income	
64(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Accounting Officer	CFO	Manager : Income	
64(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Accounting Officer	CFO	Manager : Income	
64(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Accounting Officer	CFO	Manager : Income	
64(2)(g) MFMA	Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies	Accounting Officer	CFO	Manager : Income	
64(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Accounting Officer	CFO	Manager : Income	
64(3) MFMA	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Accounting Officer	CFO	Manager : Income	
64(4)(a) MFMA	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a	Accounting Officer	CFO	Manager : Income Manager : Expenditure	



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	weekly basis				
64(4)(b) MFMA	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Accounting Officer	CFO	Manager : Expenditure	
65(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	Accounting Officer	CFO	Manager : Expenditure	
65(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Accounting Officer	CFO	Manager : Supply Chain Manager : Expenditure	
65(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Accounting Officer	CFO	Manager : Supply Chain Manager : Expenditure	
65(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Accounting Officer	CFO	Manager : Expenditure	Cash payments and payments by way of cash cheques may be made for exceptional reasons only and only up to a prescribed limit
65(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	Accounting Officer	CFO	Manager : Supply Chain Manager : Expenditure	
65(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	Accounting Officer	CFO	Manager : Expenditure	
65(2)(g) MFMA	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Accounting Officer	CFO	Manager : Expenditure	
65(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively	Accounting Officer	CFO	Manager : Expenditure	



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	and economically in terms of the prescribed cash management and investment framework				
65(2)(i) MFMA	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Accounting Officer	CFO	Manager : Expenditure	
66 MFMA	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	Accounting Officer	CFO		
67(1) MFMA	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, (a) has the capacity to comply with any agreement with the Municipality, (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement, (c) to report at least monthly to the Accounting Officer on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Accounting Officer promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	CFO		
67(2) MFMA	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer	Accounting Officer	CFO		



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67(3) MFMA	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with – (a) any agreement with the Municipality; (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement; (c) to report at least monthly to the Accounting Officer on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Accounting Officer promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	CFO		
67(4) MFMA	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	Accounting Officer	CFO		
68(a) MFMA	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Accounting Officer	CFO	Manager : Budget & Treasury	
68(b) MFMA	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	Accounting Officer	CFO	Manager : Budget & Treasury	
69(1)(a) MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less	Accounting Officer	CFO	Manager : Budget & Treasury	



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	than projected in the budget or in the service delivery and budget implementation plan				
69(1)(b) MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	Accounting Officer	CFO	Manager : Budget & Treasury	
69(2) MFMA	Determining whether it is necessary to prepare an adjustments budget	Accounting Officer	CFO	Manager : Budget & Treasury	
69(2) MFMA	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Accounting Officer	CFO	Manager : Budget & Treasury	
69(3)(a) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Accounting Officer	CFO	Manager : Budget & Treasury	
70(1) MFMA	Reporting in writing to the Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Accounting Officer	CFO	Manager : Budget & Treasury	
70(2) MFMA	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	Accounting Officer	CFO	Manager : Expenditure	
71(1) MFMA	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Accounting Officer	CFO	Manager : Budget & Treasury	The statement must contain the information referred to in section 71(1), (2) and (3) of the MFMA The statement submitted to the provincial treasury must be in the form of a signed and an electronic document
71(5) MFMA	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure	Accounting Officer	CFO		



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	on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement				
72(3) MFMA	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Accounting Officer	CFO		
73(a) MFMA	Informing the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	Accounting Officer	CFO		
73(b) MFMA	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Accounting Officer	CFO		
74(1) MFMA	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	Accounting Officer	CFO		
74(2) MFMA	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Accounting Officer	CFO		
77(1) MFMA	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Accounting Officer	CFO		
79(1)(b) MFMA	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA	Accounting Officer	CFO		May not delegate to any political structure or political office bearer
79(1)(c) MFMA	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of	Accounting Officer	CFO		



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	those delegations				
79(2) MFMA	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA	Accounting Officer	CFO		No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision
84(1)(b) MFMA	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Accounting Officer	CFO		
84(2)(a)(i) (aa) MFMA	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	CFO		
84(2)(a)(ii) MFMA	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	CFO		
86(2) MFMA	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	Accounting Officer	CFO		
87(1) MFMA	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Accounting Officer	CFO		
101(2) MFMA	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Accounting Officer	CFO		
102 MSA	The consolidation of separate accounts of persons liable for payments to the municipality, to credit a payment by such person against any account of that person and to implement	Accounting Officer	CFO	Manager : Income	



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	any of the debt collection and credit control measures of the municipality to any arrears on any of the accounts				
102(1) MFMA	Receiving a report of the board of Managers of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	Accounting Officer	CFO		
120(6)(a) MFMA	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Accounting Officer	CFO		
121(2)(e) MFMA	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Accounting Officer	CFO		
121(2)(f) MFMA	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Accounting Officer	CFO		
122(1)/ 126(1)(a) MFMA	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	Accounting Officer	CFO	Manager : Budget & Treasury	
122(1) MFMA 126(1)(b) MFMA	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Accounting Officer	CFO		
126(1)(a) MFMA	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Accounting Officer	CFO		
126(6)(b) MFMA	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and	Accounting Officer	CFO		



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	inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered				
126(6)(c) MFMA	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Accounting Officer	CFO		
127(5)(b) MFMA	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	CFO		In consultation with Accounting Officer
128 MFMA	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Council, the provincial treasury and the Auditor-General	Accounting Officer	CFO		
129(2)(a) MFMA	Attending the meetings of the Council and its committees where the annual report is discussed and responding to questions concerning the report	Accounting Officer	CFO		
129(3) MFMA	Publishing the oversight report regarding the annual report	Accounting Officer	COO		
132(2) MFMA	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	Accounting Officer	COO		
146(1)(c) MFMA	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality	Accounting Officer	CFO		



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	resulting from a mandatory provincial intervention				
152(2) MFMA	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Accounting Officer	CFO		
153(1)(b) MFMA	Bringing an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Accounting Officer	CFO		
167(2)(a) MFMA	Recovering any amount paid or given in cash or in kind to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit	Accounting Officer	CFO		
75A(3) MSA 14(1) MPRA	To publish the resolutions of Council in respect of the levying of rates and the recovery of fees, charges or tariffs	Accounting Officer	CFO		



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DELEGATION OF POWERS POLICY**

4. SE Support Services powers delegated by the Accounting Officer

The powers set out hereunder are delegated by the Accounting Officer to the Chief Operational Officer

SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES SE SUPPORT SERVICES POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To approve the attendance by officials in the Office of the Accounting Officer of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted within the boundaries of the Republic of South Africa : Provided that the necessary funds are available	Accounting Officer	SE Support Services	
	To sign the following documents – (a) documents to commence with any legal process, whether criminal or civil, on behalf of the Council and to defend or oppose any legal process, whether criminal or civil, against the Council; (b) documents necessary to submit or oppose an appeal to a higher court or other body in respect of a judgement given by a lower court or body concerned	Accounting Officer	SE Support Services	
	To designate employees in the office of the Accounting Officer as Health and Safety Representatives or Employer's Nominees, and to institute Safety Committees for his directorate in terms of the provisions of the Safety Act	Accounting Officer	SE Support Services	
55(1) MSA	The implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan	Accounting Officer	SE Support Services	
55(1) MSA	The management of the provision of services to the local community in a sustainable and equitable manner	Accounting Officer	SE Support Services	
55(1) MSA	The administration and implementation of the municipality's by-laws and other legislation	Accounting Officer	SE Support Services	
55(1) MSA	The implementation of national and provincial legislation applicable to the municipality	Accounting Officer	SE Support Services	
55(1) MSA	Facilitating participation by the local community in the affairs of the municipality	Accounting Officer	SE Support Services	
55(1) MSA	Developing and maintaining a system whereby community satisfaction with municipal services is assessed	Accounting Officer	SE Support Services	
67(4) MSA	On written request by a staff member, to make a copy of or extract from the staff systems and procedures of the municipality, including any amendments,	Accounting Officer	SE Support Services	



MERAFONG CITY LOCAL MUNICIPALITY DELEGATION OF POWERS POLICY

SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES SE SUPPORT SERVICES POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	available to that staff member			
67(4) MSA	To ensure that the purpose, contents and consequences of the staff systems and procedures of the municipality and the code of conduct for officials are explained to staff members who cannot read	Accounting Officer	SE Support Services	
	To grant special leave to employees who are sportsmen and women, coaches and referees/umpires, for the purpose of participation in sports events and tournaments at provincial and national level	Accounting Officer	SE Support Services	
22 MFMA	Making the annual budget as tabled public, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries and affected municipalities	Accounting Officer	SE Support Services	In accordance with Chapter 4 of the Systems Act. In consultation with the Accounting Officer and the CFO
62(1)(f)(iv) MFMA	Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA.	Accounting Officer	CFO	S 162 (1)(f)iii
68(b) MFMA	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	Accounting Officer	CFO	
69(3)(b) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the Accounting Officer and Strategic Executives, Chief Operating Officer and all senior managers	Accounting Officer	Accounting Officer	An annual performance agreement must be concluded on or before 31 July of each year in terms of section 57(2)(a) of the Systems Act
72(1)(a) MFMA	Performing an assessment of the Municipality's performance during the first half of each financial year	Accounting Officer	COO and Manager IDP i CFO ii All SE's iii COO	In consultation with the Accounting Officer
72(1)(b) MFMA	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Accounting Officer	CFO	On or before 25 January each year. In consultation with the Accounting Officer
75(1) MFMA	Ensuring that the required documents are loaded and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.	Accounting Officer	COO & Corporate Communications	
79(1)(a) MFMA	Developing an appropriate system of delegation that will both maximize administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application	Accounting Officer	SE's	In Conjunction with SE Support Services

**MERAFONG CITY LOCAL MUNICIPALITY
DELEGATION OF POWERS POLICY**



SECTION IN ACT	CHAPTER 6: POWERS OF STRATEGIC EXECUTIVES SE SUPPORT SERVICES POWERS DELEGATED BY THE ACCOUNTING OFFICER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	of the MFMA			
84(2)(a)(i) (bb) MFMA	Inviting the local community, organized labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity Develop and implement the Municipality's supply chain management policy.	Accounting Officer	SE Support Services	In consultation with Accounting Officer
111, 115(1)(a) MFMA		Accounting Officer	CFO	
116(3)(a) MFMA	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality in the Council	Accounting Officer	SE Support Services	
116(3)(b) MFMA	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Accounting Officer	SE Support Services	
126(1)(a) MFMA	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Accounting Officer	CFO	
129(2)(b) MFMA	Submitting copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	SE Support Services	